IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 21737 of 2006

DATED: 16.11.2006

Between:

S.Ram Subba Reddy petitioner

And

Chairman & Managing Director,

APCPDCL, Khairtabad, Hyd and ors Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 21737 OF 2006

ORAL ORDER :

The present writ petition is filed questioning the action of the respondents in not settling the pensionary benefits of the petitioner.

The petitioner initially joined the erstwhile APSEB as Lower Division Clerk on 20.3.1969 and on 12.4.1990 was promoted to the post of Upper Division Clerk. Based on the information from the Inspector of Police, C.I.D., Hyderabad that the petitioner has not passed the accounts test and that irregularities alleged against him are being investigated, he was reverted back to the post of Lower Division Clerk by proceedings dated 17.9.1991. The petitioner on attaining the age of

superannuation retired from service on 30.6.2003 as Lower Division Clerk. Thereafter, he was acquitted in Crime No. 33 of 1993 by the IX Metropolitan Magistrate, Hyderabad vide its judgment dated 20.12.2004. The petitioner alleges that even after acquittal from the competent Criminal Court, his retirement benefits are not settled and that he was informed vide letter dated 8.10.2005 that his pensionary benefits could not be settled until the case is closed against him. The petitioner contends that he was acquitted by the judgment dated 20.12.2004 in C.C. No.75 of 1995 and there are no other cases pending against him and the action of the respondents in not settling his retirement benefits is illegal.

The third respondent filed a counter affidavit stating that the 4th respondent-Inspector of Police vide letter dated 3.10.2005 informed that the petitioner was acquitted on technical grounds and that an appeal against the judgment dated 20.12.2004 was preferred before the Hon'ble High Court of A.P., and the criminal proceedings were not attained finality. It is specifically stated that on receipt of information as to the finality of the criminal proceedings, papers for payment of retirement benefits will be processed. That the Department has acted as per the Rules and Regulations and it is in no way responsible for the delay in processing the terminal benefits.

When the matter is taken up for hearing, learned Standing Counsel for respondents is unable to show the Rules and Regulations which were followed by the respondent company while withholding the retirement benefits of the petitioner. The learned Standing Counsel for respondent company was directed to ascertain as to whether any other departmental proceedings are pending against the petitioner. On obtaining instructions he has informed the Court that no other departmental proceedings are pending against the petitioner, and in view of the fact that the criminal proceedings did not attain finality, his papers for payment of retirement benefits were not processed.

Admittedly in the present case, the departmental proceedings ended in reversion of the petitioner, in which post he retired from service on attaining the age of superannuation. It is also an admitted fact that there are no other departmental proceedings, initiated or pending against the petitioner as on the date of his retirement. The learned standing Counsel for respondent unable to indicate the Rule or Regulation which empowers the respondent company to withhold the retirement benefits after conclusion of departmental proceedings. In such circumstances, the action of the respondents in withholding the retirement benefits is unsustainable.

For the foregoing reasons, the writ petition is allowed and the respondents are directed to settle the retirement benefits of the petitioner and take necessary steps to pay the amounts, to which the petitioner is entitled to, expeditiously. No costs.

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N.V.RAMANA,J

DATE: 16.11.2006

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